

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEYBOARD() : CIVIL ACTION
:
v. :
:
KEYBOARD() : NO. KEYBOARD()

SCHEDULING ORDER

AND NOW, this KEYBOARD() day of KEYBOARD(), 19KEYBOARD(), following a pretrial conference pursuant to Fed. R. Civ. P. 16 on that date, IT IS ORDERED as follows:

1. All fact discovery shall be completed by KEYBOARD() [Normally 90 to 120 days from the date of the conference]. Parties shall decide and agree among themselves upon dates for submissions of experts' reports.

2. Additional parties, if any, must be joined within the time specified in Local Rule 14.1.

3. Any amendments to the pleadings shall be undertaken and concluded so as not to delay the completion of discovery or the commencement of trial.

4. All dispositive motions shall be filed no later than KEYBOARD() [Normally twenty (20) days after the completion of discovery]. Upon any motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, counsel shall identify, preferably in a separate and concise document drafted in outline form, the material facts as to which the moving party contends there is no genuine issue to be tried. Failure to submit such a statement may constitute grounds for denial of the motion. In addition, counsel must support its statement of such material facts with specific citations to the underlying record; summary judgment papers without record citations will be returned to counsel for proper supplementation before being considered by me. The papers opposing a motion for summary judgment shall, preferably in a separate and concise document drafted in outline form, identify the material facts as to which it is contended that there exists a genuine issue to be tried, and shall conform to the record citation requirements listed above. All factual assertions set forth in the statement required to be served by the moving party will be deemed admitted unless controverted by the statement required to be served by the opposing party. In the case of dispositive motion reply

briefs are often helpful, therefore, they will be accepted if filed within 10 days of receipt of the response.

5. Final pretrial memoranda shall be filed pursuant to Local R. Civ. P. 16.1(c) and shall contain all items listed in that rule, including the following: a jurisdictional statement; statement (or, in defendant's memorandum, counterstatement) of the facts of the case; damages computation, or description of other relief sought; list of intended witnesses, designated separately for liability and damages; schedule of exhibits to be offered at trial; estimate of required trial time; and special comments regarding legal issues, stipulations, amendments of pleadings, or other appropriate matters. The time for filing final pretrial memoranda is as follows:

Plaintiff shall file by **KEYBOARD()** [Normally 2 weeks before trial pool date].

Defendant shall file by **KEYBOARD()** [Normally 7 days after plaintiff's submission].

6. In addition to the above, each party is required to submit the following in conjunction with the pretrial memoranda: proposed voir dire questions (**limited to 15 questions during voir dire**), proposed jury instructions (one point per page), proposed jury interrogatories, a trial memorandum on the legal issues involved in the case, and any motions in limine. A failure to submit proposed jury instructions may result in the forfeiture of your right to object to omissions in jury charge. If possible, counsel should provide me with copies of the proposed jury instructions and jury interrogatories on either 3.5" or 5.25" IBM compatible computer discs, in a format readable by Wordperfect 5.1. In non-jury cases, each party shall instead file a trial memorandum on the legal issues involved in the case, proposed findings of fact and conclusions of law, and any motions in limine.

7. A final pre-trial conference will be scheduled when counsel are notified of the precise date and time of trial. In preparation for the final pretrial conference, counsel are expected to communicate with each other on the following matters in an effort to reach agreement or, if agreement is not possible, to submit, the precise points in dispute, in writing, a joint statement on the following:

- (a) agreement upon and disputed facts
- (b) objections to any proposed witnesses;
- (c) objections to any proposed exhibits (including objections to genuineness and authenticity);
- (d) objections to any depositions to be read at trial;

- (e) disputed legal issues;
- (f) amendments to pleadings;
- (g) stipulated to and disputed points for charge;
- (h) verdict sheet and special interrogatories; and
- (i) number of days required for trial.

8. The parties shall schedule a settlement conference before United States Magistrate Judge Diane Welsh on or about **KEYBOARD()**. Unless an exception is granted in advance, Judge Welsh will require that lead counsel and parties with full settlement authority attend the conference.

9. Absent extraordinary circumstances, a party will be prohibited from offering in its case in chief a witness or exhibit not listed in its final pretrial memorandum.

10. Trial will not be continued because of the unavailability of an expert witness. Therefore, the testimony of expert witnesses should be videotaped in advance. Furthermore, counsel should come to an agreement on the submission of reports of expert witnesses. If unable to agree counsel may contact the court.

11. Three copies of the schedules of exhibits and, if practicable, two copies of the exhibit itself shall be prepared for submission to me immediately prior to trial.

12. This case will be placed into the trial pool on **KEYBOARD()** [Normally 30 days after dispositive motions are due] or as soon thereafter as all dispositive motions have been decided.

Anita B. Brody, J.

Copies **FAXED** on _____ to: Copies **MAILED** on _____ to: